

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 97-232

July 2, 1997

PUBLIC UTILITIES COMMISSION
Amendment to Chapter 420, Safety
of Gas Transmission and Distribution
Systems

ORDER ADOPTING AMENDED
RULE AND STATEMENT OF
FACTUAL AND POLICY BASIS

WELCH, Chairman; NUGENT and HUNT, Commissioners

I. INTRODUCTION

The Commission initiated this rulemaking on April 23, 1997, to amend Chapter 420, Safety of Gas Transmission and Distribution Systems. The statutory authorities for the amendment are set forth in 35-M.R.S.A. §§ 111 and 4508.

The Order initiating the rulemaking was sent to all persons who have participated in natural gas distribution utility proceedings before the Commission in the last year, all persons requesting notice of rulemakings, and the Executive Director of the Legislative Council. Notice of rulemaking was published by the Secretary of State in accordance with 5 M.R.S.A. § 8053(5). These notices provided persons with an opportunity to comment by June 6, 1997 and to request a hearing by May 21, 1997. The Commission did not receive any requests for a hearing. The Commission also did not receive any comments on the proposed rule. For the reasons set forth below, we adopt the amended rule as proposed.

II. THE PROPOSED RULE

The proposed amendment updates the statutory citations in the rule and eliminates reference to Commission safety jurisdiction over certain liquid propane facilities. Specific changes include updating Section 2, "Code" to include the latest amendments and revisions to Parts 191 and 192 of Title 49 of the Code of Federal Regulations. Also in Section 2, reference to Commission jurisdiction over liquid propane facilities has been removed. Section 5 was revised to include the latest amendments and revisions to Part 193 of Title 49 of the Code of Federal Regulations.

III. ANALYSIS

No comments were received on the proposed rule. This amendment updates the current rule to include the latest amendments and revisions in the safety requirements of natural

gas transmission and distribution systems. It has been our practice to update rules as necessary to be consistent with provisions in the Code of Federal Regulations. We therefore adopt the amendments as proposed.

Accordingly, we

O R D E R

1. That the attached Chapter 420, Safety of Gas Transmission and Distribution Systems, is hereby approved and effective five days after acceptance of filing by the Secretary of State.

2. That the Administrative Director of the Commission shall mail a copy of this Order Adopting Amended Rule and Statement of Factual and Policy Basis and the attached rule to:

A. All persons who have participated in natural gas distribution utility proceedings before the Commission in the last year, or who have filed with the Commission within the past year a written request for Notice of Rulemaking;

B. The Bureau of Corporations, Elections and Commissions in the office of the Secretary of State; and

C. The Executive Director of the Legislative Council (twenty copies).

3. That the Administrative Director shall send a copy of this Order and attached Rule to the Attorney General for approval as to form and legality, pursuant to 5 M.R.S.A. § 8056(1)(A); and

4. That the Administrative Director shall send a written notice of the adoption of this rule to the Secretary of State, on the form provided by the Department of State for that purpose, for publication in accordance with 5 M.R.S.A. § 8053(5).

Dated at Augusta, Maine, this 2nd day of July, 1997.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Hunt

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceedings are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R. 110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which a reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320 (1)-(4) and the Maine Rules of Civil Procedure, Rule 73 et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320 (5).

Note:

The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.